

REMARKS

The office action of May 9, 2005, has been carefully considered.

It is noted that the Abstract of the Disclosure is objected to for containing legal phraseology and the specification is objected to for not containing section headings. The specification also appears to be objected to under 35 U.S.C. 112, first paragraph.

Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph.

Claims 1-7 are further rejected under 35 U.S.C. 102(e) over the patent to Martin.

In connection with the Examiner's objections to the specification and abstract of the disclosure, applicant has canceled the original abstract, attached hereto a new Abstract of the Disclosure and amended the specification to include section headings and to address the points raised under 35 U.S.C. 112, first paragraph. Regarding the term "leaf" applicant does not see

where the ambiguity is. This is a term often used in connection with doors such as garage doors and is readily understood by those skilled in the art.

In view of these considerations it is respectfully submitted that the objections to the specification and the abstract of the disclosure are overcome and should be withdrawn.

In view of the Examiner's rejections of the claims, applicant has amended claims 1-4, 6 and 7.

It is respectfully submitted that the claims now on file particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has amended the claims to address the instances of indefiniteness pointed out by the Examiner.

In view of these considerations it is respectfully submitted that the rejection of claims 1-7 under 35 U.S.C. 112, second paragraph is overcome and should be withdrawn.

Amended claim 1 recites a door in which a vertical rail element is attached to the wall containing the opening to be

closed by a plurality of fastening elements. A predetermined spacing is maintained between the individual fastening elements and each of the fastening elements can be fixed on one side to the wall and on the other side to the vertical rail element. Furthermore, each of the spaced-apart fastening elements is designed substantially in the form of an angle piece with two side pieces including a first side piece that can be attached to the wall and a second side piece that can be attached to the vertical rail element.

It is respectfully submitted that the claims presently on file differ essentially and in an unobvious, highly advantageous manner from the constructions disclosed in the reference.

Turning now to the reference it can be seen that the patent to Martin discloses a sectional door with a roller shield apparatus. The sectional door comprises tracks (6) for guiding movement of a door unit (4) that consists of a plurality of sectional door units (8). The tracks (6) comprise a vertical track (62), a horizontal track (66) and an arcuate track (64) that connects the vertical track (62) to the horizontal track (66). According to the specification at column 6, lines 11-28, the vertical track (62) is attached to a wall structure (70) with a

metal reverse angle shield (80) and bracket material using conventional fasteners such as screws, bolts and rivets. Preferred embodiments of the metal reverse angle shield (80) are shown in Figures 13a and 13b. According to Figure 1 of Martin the metal reverse angle shields (80) extend over the entire length of the vertical track (62). Accordingly, the disclosure of Martin, as far as it relates to metal reverse angle track shields (80), essentially corresponds to prior art doors of the type discussed in the paragraph bridging pages 2 and 3 of the present application.

The disclosure of Martin in particular fails to anticipate a fastening arrangement for attaching a vertical guide rail element of the guide rail arrangement to a wall, where the fastening arrangement includes a plurality of space-apart fastening element, each of which is designed substantially in the form of an angle piece with two side pieces including a first side piece that can be attached to the wall and a second side piece that can be attached to the vertical rail element. Martin to the contrary has only one reverse track shield (80) associated with the vertical track elements (62). The single shield (80) comprises a first sidepiece attached to a wall and a second sidepiece attached to the vertical track (62) via conventional fasteners such as screws,

bolts and rivets.

Martin also fails to disclose a separate protective element attached to the fastening elements, which separate protective element only serves to bridge the gap between the rail element and the wall without providing any function related to attaching the vertical rail element to the wall.

Additionally, Martin does not disclose a construction in which a second sidepiece of a fastening element has a receiving area formed as a pressed-out section to accept a fastening area of the protective element.

In view of these considerations it is respectfully submitted that the rejection of claims 1-7 under 35 U.S.C. 102(e) over the above-discussed reference is overcome and should be withdrawn.

Reconsideration and allowance of the present application are respectfully requested.



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Any additional fees or charges required at this time in connection with this application may be charged to Patent and Trademark Office Deposit Account No. 11-1835.

Respectfully submitted,

By

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Dated: August 9, 2005

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450 Alexandria, VA 22313-1450, on August 9, 2005.

By:

Friedrich Kueffner

Date: August 9, 2005